



O.P.No.326 of 2023

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RMT.TEEKAA RAMAN, J.

This Petition has been filed under Section 232 & 276 of the Indian Succession Act, r/w. Order XXV, Rule 5 of the Original side Rules for grant of letters of administration with the Will annexed to the Petitioner as grandson and beneficiary under the Will of the said deceased having effect throughout the State of Tamil Nadu.

2.The Petition proceeds on basis that Petitioner's grandfather late G.Sambandam owned immovable properties morefully described in the schedule mentioned in the Petition situated at No.33/12, Karnam Street, Velachery, Chennai 600 042. The late G.Sambandam was married to Devamirthem and out of the wedlock they begot three sons viz., S.Rajasekar, S.Rajakumar and S.Premkumar. The last son viz., S.Premkumar died on 17.07.2014. The immovable property belonging to late Devamirthem and situated at No.5 and No.1 Rajambal Street, was settled in favour of the first two sons viz., S.Rajasekar and S.Rajakumar. The Petitioner & the deceased late G.Sambandam resided and the later died on 21.01.2020 at the aforesaid address at No.33/12, Karnam Street, Velachery, Chennai 600042 which is well within the jurisdiction of this Court.



O.P.No.326 of 2023

WEB COPY

3.The second son & 2nd Respondent viz., S.Rajakumar who looked after and maintained his father G.Sambandam till his demise. Even before his death on 21.01.2020, the said G.Sambandam executed a Will in favour of the Petitioner, who is none other than his grandson born through S.Rajakumar.

4.The last Will marked as letter A and testament of Petitioner's grandfather late Gopalasamy Sambandam which was duly executed by him at the schedule premises on 06.11.2015 in the presence of the witnesses viz., S.Devamirthem, wife of Late G.Sambantham and R.Venkatesan son of Ramakrishnan residing as a tenant in the first floor of the schedule premises, whose name appear at the foot thereof. No Executor or Executors have been named in the said Will.

5.Even though Respondents were served and their names are printed in the causelist, no one represented on behalf of them.

6.After following due procedure, the Petitioner was invited to tender evidence. The Petitioner was examined as PW1 and one of the attestors was



O.P.No.326 of 2023

examined as PW2 and Ex.P1 to Ex.P.10 were marked, which are as follows:

S.No	Particulars	Exhibits
1	Copy of death certificate of S.Premkumar	P1
2	Original Will dated 06.11.2015 executed by G.Sambandan	P2
3	Copy of death certificate of S.Devamirthem	P3
4	Copy of death certificate of Gopalsamy Sambandam	P4
5	Legal heirship certificate of Sambandam	P5
6	Form of valuation of Estate under Section 55 of the Tamil Nadu Court fees & Suits Valuation Act, 1955	P6
7	Paper publication in Tamil	P7
8	Paper publication in English	P8
9	Copy of Sale deed dated 16.05.1958	P9
10	Affidavit of Attesting witness Venkatesan	P10

7.Taking into consideration that the Will has been proved in the manner known to law by examining the attesting witness PW2, which is one of the requisite conditions under Section 69 of the Indian Evidence Act and in view of the above oral and documentary evidences, I am of the considered view that there is no impediment to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

8.With the above observations, this Original Petition stands allowed.

The Petitioner is directed to duly administer the properties and credits of the



O.P.No.326 of 2023

deceased more fully described in the schedule. The Petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S.II) High Court, Madras. The Petitioner is further directed to render true and correct accounts once in a year.

16.08.2024

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Dated: 16.08.2024